



# California Regional Water Quality Control Board Central Valley Region

Karl E. Longley, ScD, P.E., Chair



Arnold  
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Governor

## Sacramento Main Office

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Linda S. Adams

Secretary for  
Environmental Protection

17 September 2007

Ben Hall, Director  
Environmental Services and Programs  
Musco Family Olive Company  
17950 Via Nicolo  
Tracy, CA 95377-9767

### **SETTLEMENT OF ADMINISTRATIVE CIVIL LIABILITY AND CONSIDERATION OF A CEASE AND DESIST ORDER, MUSCO FAMILY OLIVE COMPANY AND THE STUDLEY COMPANY, SAN JOAQUIN COUNTY**

Enclosed are a revised tentative Cease and Desist Order, Stipulated Administrative Civil Liability Order, and Notice of Public Hearing for the Musco Family Olive Company and the Studley Company Wastewater Treatment and Land Disposal Facility. These documents will be considered for adoption by the Regional Water Quality Control Board, Central Valley Region, at its meeting scheduled for 25 and 26 October 2007.

The Regional Water Board will be advised by Jim Pedri, Assistant Executive Officer of the Regional Water Board, and Phil Wyels, Assistant Chief Counsel at the State Water Board. The Regional Water Board's Enforcement Team is comprised of Pamela –Creedon – Executive Officer, Jack Del Conte – Assistant Executive Officer, Wendy Wyels – Environmental Program Manager, Steve Rosenbaum – Senior Engineering Geologist, and Melissa Hall – Water Resource Control Engineer. Frances McChesney, Senior Staff Counsel, and Patrick Pulupa, Staff Counsel of the State Water Board's Office of Chief Counsel, and Reed Sato, Director of the State Water Board's Office of Enforcement, will represent the Enforcement Team at the Regional Water Board hearing. The Board Members, the Assistant Executive Officer, and the Advisory Team Counsel have not engaged in any substantive conversations regarding the issues involved in this proceeding with the Enforcement Team or its representatives. Phil Wyels is normally assigned to supervise Frances McChesney and Patrick Pulupa; however, he is not acting as their supervisor for this proceeding. Frances McChesney is currently advising the Regional Water Board in other, unrelated matters, but neither Frances McChesney nor the Enforcement Team will be advising the Regional Water Board in this matter. The Enforcement Team is considered a party for the purposes of this proceeding.

The Regional Water Board will consider whether to adopt the documents based on evidence in the record and comments received. With respect to the Stipulated Administrative Civil Liability Order, the Regional Water Board may approve the Order, reject the Order, or approve the

***California Environmental Protection Agency***

Order with revisions only with the agreement of the parties (Musco and the Enforcement Team of the Regional Water Board).

In order to conserve resources, paper copies of the referenced documents may not accompany this letter. Interested persons may download the documents from the Regional Water Board's website at <http://www.waterboards.ca.gov/centralvalley/tentative/index.html>. The documents should be posted by 5:00 on 18 September 2007. Copies of these documents can also be obtained by contacting or visiting the Regional Water Board's office at 11020 Sun Center Drive, #200, Rancho Cordova, California 95670-6114, weekdays between 8:00 a.m. and 5:00 p.m.

As described in the Notice of Public Hearing, further comments or evidence you may have concerning the enclosed revised tentative Cease and Desist Order or comments on the Stipulated Administrative Civil Liability Order should be submitted to this office by **1 October 2007**. If you have any questions regarding this letter or the enclosed documents, please contact Melissa Hall at (916) 464-4757.

WENDY WYELS

Environmental Program Manager

Enclosures: Tentative Cease and Desist Order with attachment  
Tentative Administrative Civil Liability and Penalty Order with attachments  
Notice of Public Hearing

cc w.o enc:

Eileen Jones, United States Bureau of Reclamation, Tracy  
Lori Oldfather, California Department of Fish and Game, Stockton  
Carol Oz, California Department of Fish and Game, Rancho Cordova  
Joe Spano, California Department of Health Services, Stockton  
Marissa Nishikawa, California Department of Transportation, Fresno  
Charyce Hatler, California Department of Water Resources, Fresno  
David Irely, San Joaquin County District Attorney, Stockton  
Donna Heran, San Joaquin County Environmental Health Department, Stockton  
Rick Gilmore, Byron-Bethany Irrigation District, Byron  
Bill Jennings, California Sportfishing Protection Alliance, Stockton  
Dennis Leikam, Musco Family Olive Company, Tracy  
Gary Carlton, Kennedy/Jenks, Rancho Cordova  
Mike Campos, Stoel Rives, Sacramento  
Paul Harpainter, Tracy